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(214) 754-0819 FAX  
www.techlawinc.com



183878

HAND DELIVERY

October 30, 2003

COPY

Ms. Janice Bivens  
U.S. EPA Region 6  
1445 Ross Avenue  
Dallas, Texas 75202

RE EPA Contract No 68-W-00-083  
Task Order No. 083-022  
Bailey Waste Disposal Site Capped Area Survey Maps

Dear Ms. Suttice.

With this Letter Report, TechLaw, Inc. (TechLaw) transmits three copies each of the survey maps with accompanying legal descriptions for the North Dike Capped Area and the East Dike Capped Area of the Bailey Waste Disposal Site, located south of Bridge City in Orange County, Texas. The maps and descriptions were received yesterday from Soutex Surveyors, Inc (Soutex), Anthony M Leger, Texas Registered Professional Land Surveyor No. 5481, of Port Arthur, Texas, the sub-contractor hired by TechLaw to accomplish this task.

As you know, various questions and issues have arisen since TechLaw received the initial request from you via email on July 21, 2003. These issues have included, but not limited to, scheduling on-site activities with the EPA representative, Mr Chris Villareal, in order to precisely identify the areas requiring surveys, coordinating with the landowner for site access; mowing of the site for improved visibility, inconsistencies between existing sources of survey information; and inconsistencies between existing data (both distance and direction) between survey point locations and the field observations made by Soutex.

TechLaw reviewed the survey maps and legal descriptions and compared them with the legal description provided in the deed recorded January 13, 1999, whereby the current owner, R & R Recreation, Inc (R & R) received title to the property. TechLaw determined that although the three descriptions (i.e., the two capped areas and the R & R property) reportedly all had the same point of origin (i.e., the northwest corner of the W A Atkins Survey, Abstract Number 380), when plotted, the points of origin did not coincide. The reason for this discrepancy could not be identified, but it should be noted that while the deed was executed in 1998, the legal description in it is probably far older. Fortunately, Soutex accessed another survey map which was internally consistent, both with the monuments identified on the ground and the survey data for the two capped areas, the subject of this project.

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In the course of the survey, deeds of adjacent property were also obtained for review. Soutex determined from these documents in conjunction with their field data, that while the North Dike Capped Area was contained entirely within the R & R property, the East Dike Capped Area was largely located on an adjacent property owned by Leslie L. Appelt. In addition, a small portion of the East Dike Capped Area (approximately one-quarter acre) is located within the west right-of-way of Texas State Highway 87, which bounds the R & R and Appelt properties on the east side. These discoveries were brought to the attention of the EPA in previous communications.

The information has been reviewed according to TechLaw's quality control guidelines. If you have any questions or comments, please contact me at (214) 572-0074 or Louise Delano at (214) 572-0087

Sincerely,

*Maxine LaPierre*

Maxine LaPierre  
TechLaw Task Order Manager

AML/lld

Enclosures

cc. Karen Hartis, EPA RPO  
TechLaw ESS II (TO-083-022) File

ENFORCEMENT CONFIDENTIAL

Page 2 of 2

**7.836 ACRES OF LAND OUT OF THE W.A. ATKINS SURVEY, ABSTRACT NO. 380 AND THE J. FORSYTHE SURVEY, ABSTRACT NO. 79, ORANGE COUNTY, TEXAS**

Being 7.836 acres of land out of and a part of the W.A. Atkins Survey, Abstract No. 380 and the J. Forsythe Survey, Abstract No. 79, Orange County, Texas; said 7.836 acre tract being out of and a part of a called 340.35 acre tract conveyed to R & R Recreation Inc , recorded in Vol. 1107, Page 890, Official Public Records, Orange County, Texas; said 7.836 acre tract being more fully described by metes and bounds as follows, to wit:

COMMENCING at a point being the Northwest corner of the W.A. Atkins Survey, Abstract No. 380;

THENCE South 02 deg , 42 min., 00 sec., East, on the West line of said W.A. Atkins Survey, a distance of 2482.27' to a point being the Northwest corner of said R & R Recreation Inc. tract;

THENCE South 82 deg., 45 min., 30 sec., East, on the North line of said R & R Recreation Inc. tract, a distance of 4478.06' to a point;

THENCE South 07 deg., 14 min., 30 sec., West, a distance of 1004.75' to a point for corner for the POINT OF BEGINNING having a State Plane Coordinate of North 13,943,930.43, East 3,589,786.73; said point for corner being the Northwest corner of the herein described tract;

THENCE South 86 deg , 08 min., 05 sec., East, a distance of 333.50' to a point for corner;

THENCE South 79 deg., 45 min., 22 sec., East, a distance of 273.68' to a point for corner;

THENCE South 77 deg., 28 min., 41 sec., East, a distance of 262.55' to a point for corner;

THENCE North 89 deg., 15 min., 40 sec., East, a distance of 315.77' to a point for corner;

THENCE South 81 deg., 16 min., 35 sec., East, a distance of 919.03' to a point for corner being the Northeast corner of the herein described tract;

THENCE South 06 deg., 48 deg., 07 min., West, a distance of 58.95' to a point for corner being the Southeast corner of the herein described tract;

THENCE North 87 deg., 58 min., 08 sec., West, a distance of 270.58' to a point for corner;

THENCE South 70 deg., 19 min., 00 sec., West, a distance of 170.64' to a point for corner;

THENCE North 85 deg., 17 min., 32 sec., West, a distance of 481.51' to a point for corner;

THENCE North 83 deg., 06 min., 36 sec., West, a distance of 601.06' to a point for corner;

THENCE North 76 deg., 37 min., 58 sec., West, a distance of 237.19' to a point for corner;

THENCE North 80 deg., 24 min., 48 sec., West, a distance of 350.13' to a point for corner being the Southwest corner of the herein described tract;

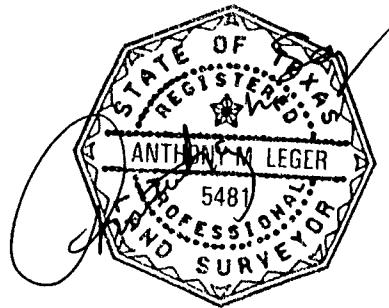
THENCE North 03 deg., 50 min., 51 sec., West, a distance of 80.50' to a point for corner;

THENCE North 11 deg., 49 min., 56 sec., East, a distance of 66.13' to the POINT OF BEGINNING and containing 7.836 acres of land more or less.

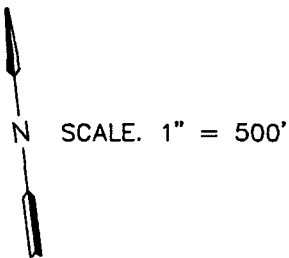
Note: All bearings, distances, acreage, and coordinates are based on State Plane Coordinate Grid System, Texas South Central Zone NAD83.

This description is based on the Land Survey made by Anthony M. Leger, Registered Professional Land Surveyor No. 5481, on September 25, 2003

North Dike Cap Area  
LS-03-0957A



CLIENT. TECHLAW INC.



LINE	DIST	BEARING
L1	333.50'	S 86°08'05" E
L2	273.68'	S 79°45'22" E
L3	262.55'	S 77°28'41" E
L4	315.77'	N 89°15'40" E
L5	919.03'	S 81°16'35" E
L6	58.95'	S 06°48'07" W
L7	270.58'	N 87°58'08" W
L8	170.64'	S 70°19'00" W
L9	481.51'	N 85°17'32" W
L10	601.06'	N 83°06'36" W
L11	237.19'	N 76°37'58" W
L12	350.13'	N 80°24'48" W
L13	80.50'	N 03°50'51" W
L14	66.13'	N 11°49'56" E

POINT OF COMMENCING  
N.W. CORNER OF W.A. ATKINS SURVEY,  
ABSTRACT NO. 380

N.W. CORNER OF  
R. & R. RECREATION INC.

S 82°45'30" E  
4478.06'

P.O.B.  
N 13943930.43  
E 3589786.73

R. & R. RECREATION INC.  
VOL. 1107, PG. 890,  
O.P.R.O.C.

7.836 ACRES  
NORTH DIKE CAP AREA

STATE HIGHWAY NO. 87

NOTE:

THIS SURVEY WAS PREPARED  
WITHOUT THE BENEFIT OF A  
TITLE REPORT.

LESLIE L. APPELT  
(CALLED 306.310 ACRE TRACT)  
VOL. 719, PAGE 972  
O.P.R.O.C.

DESCRIPTION OF SERVICES. LOCATE CORNERS WITH DESCRIPTION

SURVEYOR'S CERTIFICATION

The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that there are no discrepancies conflicts, shortages in area, boundary line conflicts, encroachments, over-lapping of improvements, easements or rights of way, except as shown hereon, and that said property has access to and from a dedicated roadway. Dated 25SEP2003

The above tract being located at STATE HIGHWAY NO. 87, BRIDGE CITY, TEXAS

and being described as 7.836 ACRES OF LAND, PART OF THE W.A. ATKINS SURVEY, ABST. NO. 380 & THE J. FORSYTHE SURVEY, ABST. NO. 79

as recorded in Volume X, Page X of the Records of ORANGE County, Texas In accordance with the Flood Insurance Rate Map of the Federal Emergency Management Agency, map reference shown, the subject tract lies in the flood zone noted. Location on map was determined by scale. Actual field elevation not determined, unless requested. SOUTEX SURVEYORS, Inc., does not warrant nor subscribe to the accuracy or scale of said map. This survey is certified for this transaction only; it is not transferable to additional institutions or subsequent owners.

ANTHONY M. LEGER  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5481

METES & BOUNDS

Census Tract: 223

FEMA Flood Zone: AB

Community Panel NO.:

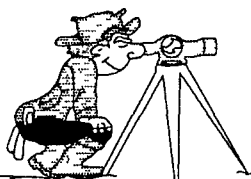
480015 0225 B

480015 0250 B

Panel Date: 1/06/83

Project No. 03-0957A

ENCROACHMENT NOTES:



**SOUTEX**  
SURVEYORS INC.  
3727 DOCTORS DRIVE  
PORT ARTHUR, TEXAS 77642  
(409) 983-2004 (409) 983-2005



**7.576 ACRES OF LAND OUT OF THE W.A. ATKINS SURVEY  
ABSTRACT NO. 380, ORANGE COUNTY, TEXAS**

Being 7.576 acres of land out of and a part of the W. A. Atkins Survey, Abstract No. 380, Orange County, Texas; also being out of and a part of a Called 306.310 acre tract of land conveyed to Leslie L. Appelt, recorded in Volume 719, Page 972, Official Public Records, Orange County, Texas; said 7.576 acre tract being more fully described by metes and bounds as follows, to wit:

COMMENCING at a point being the Northwest corner of the W.A. Atkins Survey, Abstract No. 380;

THENCE South 02 deg., 42 min., 00 sec., East, on the West line of said W.A. Atkins Survey, a distance of 4869.00' to a point being the Northwest corner of said Leslie L. Appelt tract; said point also being the Southwest corner of a tract of land conveyed to R & R Recreation Inc., recorded in Volume 1107, Page 890, Official Public Records, Orange County, Texas;

THENCE South 82 deg., 45 min., 30 sec., East, on the common line of said Leslie L. Appelt tract and said R & R Recreation, Inc. tract, a distance of 5956.24' to a point for corner for the POINT OF BEGINNING having a State Plane Coordinate of North 13,942,356.87, East 3,591,491.40; said point for corner being the most Southerly Southeast corner of said R & R Recreation, Inc. tract;

THENCE North 58 deg., 07 min., 09 sec., East, a distance of 45.44' to a point for corner;

THENCE North 09 deg., 39 min., 45 sec., East, a distance of 971.37' to a point for corner;

THENCE North 41 deg., 09 min., 21 sec., East, a distance of 138.78' to a point for corner;

THENCE South 71 deg., 35 min., 40 sec., East, a distance of 154.38' to a point for corner;

THENCE South 01 deg., 06 min., 21 sec., East, a distance of 193.35' to a point for corner;

THENCE South 11 deg., 58 min., 27 sec., West, a distance of 379.26' to a point for corner;

THENCE South 14 deg., 37 min., 25 sec., West, a distance of 595.60' to a point for corner;

THENCE South 39 deg., 57 min., 08 sec., West, a distance of 84.25' to a point for corner;

THENCE South 57 deg., 44 min., 06 sec., West, a distance of 62.10' to a point for corner;

THENCE South 77 deg., 02 min., 33 sec., West, a distance of 133.16' to a point for corner;

THENCE North 83 deg., 02 min., 05 sec., West, a distance of 75.58' to a point for corner;

THENCE North 44 deg., 54 min., 08 sec., West, a distance of 92.35' to a point for corner;

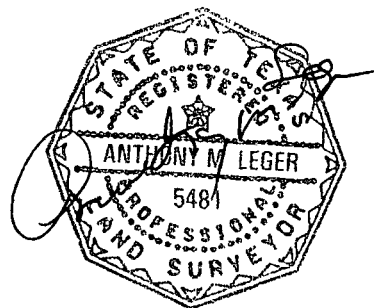
THENCE North 06 deg., 14 min., 25 sec., West, a distance of 135.51' to a point for corner;

THENCE North 83 deg., 03 min., 18 sec., East, a distance of 178.51' to the POINT OF BEGINNING and containing 7.576 acres of land, more or less, of which 0.2685 acre lies within the right of way of State Highway No. 87

Note: All bearings, distances, acreage, and coordinates are based on State Plane Coordinate Grid System, Texas South Central Zone NAD83.

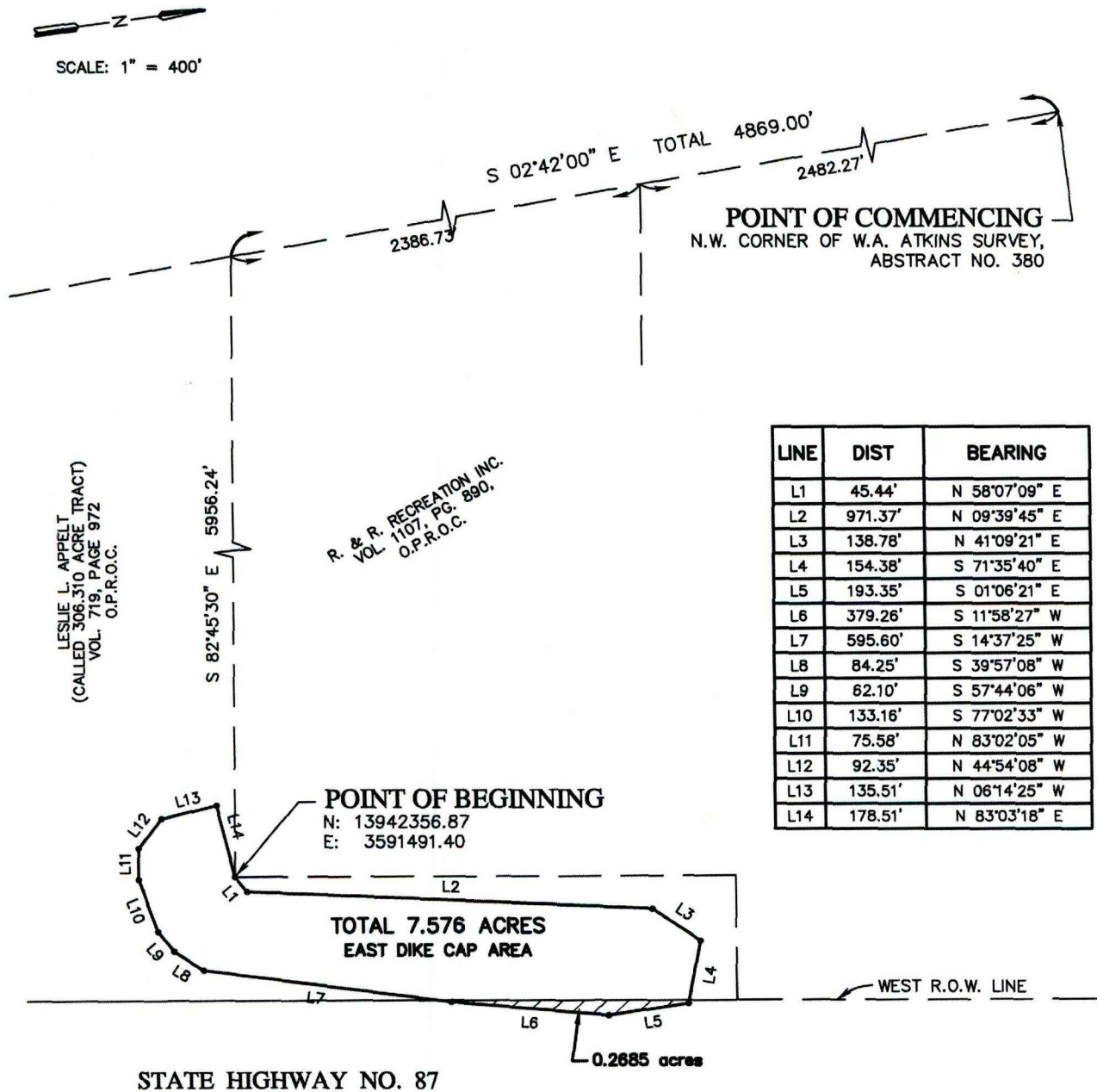
This description is based on the Land Survey made by Anthony M. Leger, Registered Professional Land Surveyor No. 5481, on September 25, 2003

East Dike Cap Area  
LS-03-0957B





CLIENT: TECHLAW INC.



**NOTE:**

THIS SURVEY WAS PREPARED  
WITHOUT THE BENEFIT OF A  
TITLE REPORT.

DESCRIPTION OF SERVICES: LOCATE CORNERS WITH DESCRIPTION

**SURVEYOR'S CERTIFICATION:**

The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that there are no discrepancies conflicts, shortages in area, boundary line conflicts, encroachments, over-lapping of improvements, easements or rights of way, except as shown hereon, and that said property has access to and from a dedicated roadway. Dated 25SEP2003

The above tract being located at STATE HIGHWAY NO. 87, BRIDGE CITY, TEXAS

and being described as TOTAL 7.576 ACRES OF LAND, PART OF THE W. A. ATKINS SURVEY, ABST. NO. 380 as recorded in Volume X, Page X of the \_\_\_\_\_ Records of ORANGE County, Texas. In accordance with the Flood Insurance Rate Map of the Federal Emergency Management Agency, map reference shown, the subject tract lies in the flood zone noted. Location on map was determined by scale. Actual field elevation not determined, unless requested. SOUTEX SURVEYORS, Inc., does not warrant nor subscribe to the accuracy or scale of said map. This survey is certified for this transaction only; it is not transferable to additional institutions or subsequent owners.

Anthony M. Leger  
ANTHONY M. LEGER  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5481

**METES & BOUNDS**

Census Tract: 223

FEMA Flood Zone: A8

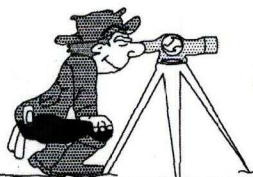
Community Panel NO.:

480510 0225 B  
480510 0250 B

Panel Date: 1/06/83

Project No. 03-0957B

**ENCROACHMENT NOTES:**



**SOUTEX**  
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